

# **EXHIBIT N**

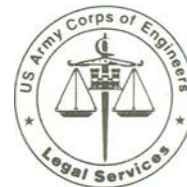


REPLY TO  
ATTENTION OF

## DEPARTMENT OF THE ARMY

LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS  
915 WILSHIRE BOULEVARD, SUITE 930  
LOS ANGELES, CALIFORNIA 90017-3409

January 31, 2019



Office of  
District Counsel

Daniel McFadden  
Staff Attorney  
American Civil Liberties Union Foundation of Massachusetts  
211 Congress Street  
Boston, MA 02110

Dear Mr. McFadden,

Our office received your Freedom of Information Act (FOIA) request dated January 31, 2019. You requested documents related to a contract mentioned in a December 24, 2018 announcement by the President of the United States. Generally, it is the policy of the Department of the Army to release the maximum amount of information under the FOIA unless that information is exempt from release and an important reason exists for nondisclosure.

Your request is being referred to the Ft. Worth District. Your point of contact is Ms. Delene Smith, who can be reached by email at [Delene.R.Smith@usace.army.mil](mailto:Delene.R.Smith@usace.army.mil) and by telephone at (817) 886-1148. Your request to the Los Angeles District will be administratively closed. Your patience and cooperation in this matter are appreciated. If you have any questions, please contact me at (213) 452-3954, or Ms. Julie M. Reigns at (213) 452-3947 or by email at [julie.m.reigns@usace.army.mil](mailto:julie.m.reigns@usace.army.mil).

Sincerely,

A handwritten signature in cursive script that reads "Julie Reigns".

For Burke S. Large  
Assistant District Counsel

Enclosure



Daniel L. McFadden  
Staff Attorney  
(617) 482-3170 ext. 171  
dmcfadden@aclum.org

January 31, 2019

**Via Electronic Mail**

FOIA Office  
Los Angeles District  
CESPL-OC  
U.S. Army Corps of Engineers  
915 Wilshire Blvd.  
Los Angeles, CA 90017-3401  
[foia-spl@usace.army.mil](mailto:foia-spl@usace.army.mil)

Re: FOIA Request

To whom it may concern:

This letter constitutes a request pursuant to the Freedom of Information Act, 5 U.S.C. § 552. This request is submitted on behalf of the American Civil Liberties Union of Massachusetts (the "ACLUM").

On December 24, 2018, the President of the United States made an announcement (the "Announcement") that:

*I am in the Oval Office & just gave out a 115 mile long contract for another large section of the Wall in Texas.<sup>1</sup>*

ACLUM requests the following records:

1. The "contract" referenced in the Announcement.
2. All purchase orders, invoices, RFPs, documentation of selection, sole source or limited source justification and approval documents, studies of cost, efficacy, and/or environmental impact, and other memoranda and documentation pertaining to the "contract" referenced in the Announcement

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<sup>1</sup> <https://twitter.com/realDonaldTrump/status/1077329121745793025>

If this request is denied in whole or part, we ask that you justify each such denial by reference to specific exemptions of the FOIA. Please release all segregable portions of otherwise exempt material.

We request a fee waiver because ACLUM is a “representative of the news media” under the FOIA. *See* 5 U.S.C. § 552(a)(4)(A)(ii)(II); *Nat’s Security Archive v. Dep’t of Defense*, 880 F.2d 1381, 1387 (D.C. Cir 1989). ACLUM is a not-for-profit, non-partisan organization dedicated to the principles of liberty and equality. As the Massachusetts affiliate of the national ACLU, a not-for-profit, non-partisan organization, ACLUM distributes information both within and outside of Massachusetts. Gathering and disseminating current information to the public is a critical and substantial component of ACLUM’s mission and work. ACLUM publishes newsletters, news briefings, reports and other materials that are disseminated to the public, including through ACLUM’s website<sup>2</sup> and regular posts on social media sites such as Facebook and Twitter. These materials are widely available to everyone, including tax-exempt organizations, not-for-profit groups, law students and faculty, at no cost. Accordingly, ACLUM is entitled to a fee waiver.

In addition, ACLUM is entitled to a waiver or reduction of fees because disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government, and disclosure of the information is not primarily in the commercial interest of the requester. *See* 5 U.S.C. § 552(a)(4)(A)(iii). The public is keenly interested in understanding the scope, nature, cost, and efficacy of government operations at the U.S.-Mexico border, which have been a widely publicized feature of the President’s campaign and public agenda in office.

We reserve the right to appeal a decision to withhold any information or to deny a waiver of fees. Please provide documents in digital form wherever possible.

We look forward to your reply to this request within twenty (20) business days, as required under 5 U.S.C. § 552(a)(6)(A)(i).

**Thank you for your prompt attention to this matter.**

Sincerely,

*/s/ Daniel L. McFadden*

Daniel L. McFadden

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<sup>2</sup> [www.aclum.org](http://www.aclum.org)